

COMMUNICATIONS TECHNOLOGIES, INC.  
BROADCAST ENGINEERING CONSULTANTS

P.O. BOX 1130  
MARLTON, NJ 08054  
(609) 985-0077  
FAX: (609) 985-8111

CLARENCE M. BEVERAGE  
LAURA M. MIZRAHI

CONSULTANT  
JAMES W. POLLOCK P.E.

~ Via Certified Mail - Return Receipt Requested ~

October 12, 1998

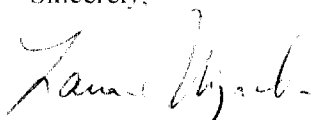
Ms. Magalie Roman Salas  
Secretary  
FEDERAL COMMUNICATIONS COMMISSION  
1919 M Street, NW - Room 222  
Washington, DC 20554  
PHONE: (202) 418-0300

**RE: MM DOCKET 98-93**

Dear Ms. Salas:

Please find attached the original and four (4) copies of Comments by **Communications Technologies, Inc.** in the above noted matter. A separate copy is enclosed to be date stamped and returned to the Commenter.

Sincerely,



Laura M. Mizrahi  
LMM/es

Enclosure

cc: Salas.Ht

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Before the  
Federal Communications Commission  
Washington, D C 20554

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JUN 14 1998  
FEDERAL COMMUNICATIONS COMMISSION

In the Matter of

1998 Biennial Regulatory Review --  
Streamlining of Radio Technical Rules in  
Parts 73 and 74 of the Commission's Rules

MM Docket No. 98-93

**COMMENTS OF COMMUNICATIONS TECHNOLOGIES, INC.**

Communications Technologies, Inc. ("CTI") hereby submits its Comments in response to the Notice of Proposed Rulemaking ("NPRM") in the above reference proceeding, adopted June 11, 1998 and released June 15, 1998.

**IDENTITY AND INTEREST**

CTI is a broadcast engineering consulting firm serving AM, FM and TV clients and is regularly involved in the preparation of the engineering portion of FCC Applications for Construction Permit and License. The Comments herein are offered in an effort to assist the Commission in setting standards for the many proposals set forth in the NPRM for the purpose of modifying the Commission's Rules with respect to the processing of both commercial and non-commercial broadcast facilities. The attached Comments reference specific paragraph numbers in the NPRM.

## COMMENTS

### NPRM Paragraphs 13-15.

CTI supports the Commission's proposal to allow the filing of contingent minor change FM construction permit applications. The proposal would give stations greater flexibility in the area of developing upgrade proposals for one or more stations in the context that, once filed, all of the applications would be considered cut off and free from later filed mutually exclusive applications. Placing a limit on the number of stations which can participate in one filing is not supported as it could serve to preclude an otherwise viable regional upgrade plan.

In supporting the concept of contingent minor change applications, it is noted, however, that there is an increased likelihood that the plan could ultimately fail to be implemented through problems such as an inability to gain local approval for new tower construction or other problems not foreseen at the time of filing. There is relatively little impact on other stations when one applicant fails to implement an upgrade. Three or four upgrades in a region could have a broader impact, thus calling for closer control. CTI suggests that contingent applicant parties be required to demonstrate, with greater than normal certainty, that all proposed sites are either existing, meet local zoning criteria, or have a reasonable expectation of obtaining a zoning/land use variance if new tower construction or tower height increases are required.

### NPRM Paragraph 16

Applying the adoption of the guidelines now in place for termination of AM facilities to NCE FM stations is supported. It is requested that the Commission consider allowing an NCE licensee to downgrade to Class D status to maintain local service when that station is

the only local transmission service. This would allow another station, or stations, to upgrade without the need to protect the Class D facility while maintaining local service. Such a proposal would need to demonstrate an interference-free 60 dBu, or better, signal from the Class D facility over the community of license.

#### NPRM Paragraphs 20-27

**CTI** supports the concept of negotiated interference between stations as set forth in the PRM with the following conditions:

1. Area calculations should exclude over water areas when the area is large such as an ocean or the Great Lakes. Similarly, when the area considered is unpopulated and cannot become so in the future (National Park, wildlife preservation areas, etc.) that area should not be included in the calculation.
2. The prohibition concerning locating a NCE second or third adjacent channel station inside another NCE station's 63 dBu contour should not be adopted. Just as has been found to be the case with translator operation, co-location, or nearly so, of second and third adjacent channel stations can be achieved within the 5% interference criteria and would be a valuable upgrade tool for NCE stations.
3. With regard to paragraph 23, it is only by the calculation of desired to undesired signal strength ratios that interference areas can be computed. **CTI** strongly opposes contour overlap only as this methodology does not determine actual interference areas.
4. Section 73.215 requires that a station protect other stations at their class maximum rather than as built. A special case could exist under the new Rules where an applicant, station "A", wishes to file for an upgrade in facilities on the premise of

accepting interference from station "B" but would not cause interference to short spaced station "B". How will interference from station "B" to station "A" be determined? **CTI** suggests that when the station is operating at full equivalent facilities (an ERP/HAAT combination equal to the class maximum), the actual facilities be used in determining distance to station "B"'s interfering contour. This is an important factor as the F(50,10) contour distance for a greater HAAT/lower ERP combination is almost always less than for the class maximum.

5. **CTI** believes that it would be risky for the Commission to rely upon the acceptance of applicant certifications without full engineering documentation with respect to compliance in the construction of facilities with negotiated interference agreements. Although seemingly time and resource efficient, the adoption of this procedure may result in the actual delay and/or lack of initiation of service to the public should an earlier undetected technical flaw be recognized after grant of such agreements.
6. Similarly, it is not practical for such negotiated agreements to be allowed to terminate if and when a station would be sold or transferred. This is particularly true if a transmitter site change was made by an involved station as part of a negotiated interference agreement. Through the years, the Commission has tried to maintain existing service to listeners to the extent practical and this policy is believed to be worthwhile.

NPRM Paragraphs 31-35.

Adoption of a terrain sensitive propagation model is strongly supported. Since the tool will clearly provide a more accurate determination of contour distance, it is suggested that the method should be used equally for F(50,50) and F(50,10) contour distances and not for interfering contours only.

With regard to the exact PTP methodology CTI withholds comment pending review of other comments in this proceeding by other parties with expertise in developing propagation algorithms.

NPRM Paragraph 37

Revision of Section 73.215(c) to provide a minimum of 6 km of relief below applicable Section 73.207(a) separation standards is supported as an aid to increased flexibility in site location.

NPRM Paragraphs 43-44.

Creation of a new Class C0 would appear to be in the public interest as it would reclassify Class C stations with an HAAT of 300-450 meters to a lower class, thereby reducing the Section 73.207 required distance separations to these stations. It is believed that this change would allow a number of Class A and C3 stations to upgrade their facilities without creating interference to the downgraded stations. The most equitable way to treat the affected Class C stations during the three year transition is to allow them to seek site changes in accordance with Section 73.207 standards as full C stations or to specify Class C0 facilities in a site change application. No other special procedures should be required.

NPRM Paragraph 47.

The proposal to extend first come/first served processing to AM, NCE FM and FM translator minor change applications is fully supported for the reasons cited by the Commission. It is noted that this support also applies to AM power increase and community of license change proposals as well.

NPRM Paragraphs 48-50.

The proposal to treat AM power increases as minor change applications is fully

supported as it would remove existing stations wishing to improve from the shadow of an auction proceeding. It is also believed that an AM community of license change should be treated as a minor change provided that the current frequency of operation is maintained. This action would remove the inequity which now exists where an FM station can change its community of license through rulemaking without being subject to an auction proceeding.

The proposal to treat NCE minor changes in this manner should include a requirement for a specific level of continued service to the current, licensed, 60 dBu service area. A minimum requirement of service to 50% of the existing service area is suggested but in no case should existing 60 dBu service to the community of license be deleted.

The proposal to treat FM translators as minor changes in this manner is fully supported without concern for 60 dBu replication.

#### NPRM Paragraphs 51-52.

At first glance, it would be logical to allow the filing of a license application only to correct site coordinate differences up to 3 seconds in latitude and longitude. However, there are a number of stations which are allocated down to the least possible site separation. In these cases, a one second change in coordinates could create a 73.207 short spacing. Would the station creating the short spacing be grandfathered as a 73.207 facility? If so, it is requested that the comment section of the FM database clearly indicate the special condition for that station.

#### NPRM Paragraphs 55-56.

CTI supports the Commission's proposal to set the interfering contour standard for second and third adjacent NCE-FM facilities as the 100 dBu contour, the same as for commercial second and third adjacent facilities. This would establish a more uniform

engineering standard as well as affording the opportunity to a number of NCE-FM stations the ability to modestly increase ERP and, thus, coverage.

NPRM Paragraphs 61-63.

CTI agrees that it is an inefficient use of Commission resources as well as an unnecessary burden on Class D stations to require the submission of studies on each license renewal. The policy proposed concerning Class D stations which are involved in prohibited overlap is supported. CTI suggests that the 38 stations be notified in writing at the conclusion of the Rulemaking to allow each station the maximum time possible to file for an alternate channel.

NPRM Paragraph 64

A 5 kilometer ERP/HAAT 60 dBu contour distance maximum for Class D stations would be an aid to allow for modest improvement for these stations.

NPRM Paragraphs 65-66.

These changes would be very helpful in adding heretofore unavailable flexibility for Class D station improvements.

NPRM Paragraph 67.

In the interest of developing more consistent allocation Rules, Class D protection of Class B 54 dBu F(50:50) and Class B1 57 dBu F(50:50) contours is supported. Those few Class D stations which now protect the 60 dBu contour should be grandfathered. However, should a facility change be proposed by a Class D grandfathered station, the existing overlap area caused by a Class D station should not be allowed to increase.

NPRM Paragraph 68

It would be consistent to apply the "actual interference" standard to Class D stations and this proposal is recommended.

**CONCLUSION**

In conclusion, **CTI** urges the Commission to move forward swiftly with this proceeding in an effort to benefit the broadcast community and the public by simplifying the processing procedures for certain broadcast applications in as timely and efficient manner as possible, and that consideration be given to the Comments contained herein.

Respectfully Submitted,

Communications Technologies, Inc.

By: 

Clarence M. Beverage

By: 

Laura M. Mizrahi

Communications Technologies, Inc  
P.O. Box 1130  
Marlton, NJ 08053  
609-985-0077